

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

TESLA, INC.,)	3:18-CV-0296-LRH-CLB
)	
Plaintiff(s),)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	
)	DATE: August 11, 2020
MARTIN TRIPP,)	
)	
Defendant(s).)	
_____)	

PRESENT: THE HONORABLE CARLA BALDWIN, U.S. MAGISTRATE JUDGE

Deputy Clerk: Lisa Mann Court Reporter: Liberty Recorder

Counsel for Plaintiff(s): Alexander Spiro, Janine Zalduendo, Matthew Bergjans, Rory Kay,
and Michael Lifrak

Counsel for Defendant(s): Robert Mitchell and William Fischbach

PROCEEDINGS: EMERGENCY TELEPHONIC HEARING RE MOTION (ECF NO. 199)

1:02 p.m. Court convenes.

The Court addresses the parties regarding the purpose of this hearing and advises counsel of the papers the Court reviewed in preparation for this emergency hearing.

The Court notes that shortly before this hearing, the Court received the motion to withdraw as counsel with consent filed by defendant's counsel (ECF No. 202). The Court inquires whether current counsel is aware if Mr. Tripp will be retaining new counsel. Counsel advises that Mr. Tripp has indicated that he intends to represent himself in this matter.

The Court hears from counsel regarding how best to proceed with respect to plaintiff's

emergency motion for an order directing Martin Tripp to cease dissemination of Tesla's confidential information (ECF No. 199).

Having heard from counsel and good cause appearing, the Court finds that plaintiff's emergency motion (ECF No. 199) is GRANTED in part and DENIED in part as follows:

1. Mr. Tripp is again ORDERED to make no further dissemination of the information that has been designated in the protective order (ECF No. 44) which includes Mr. Tripp disseminating descriptions of any documents that he has seen and does not have possession of particularly those documents that were designated as confidential attorneys eyes only. This order extends to Mr. Tripp re-tweeting any documents that he receives from a third-party. In sum, Mr. Tripp is prohibited from disclosing, disseminating, or otherwise discussing any of the documents that have been designated as confidential under the protective order in all and any capacities of social media.
2. Mr. Tripp is prohibited from contacting plaintiff's counsel in any way until such time that this Court issues a ruling on the motion to withdraw as counsel (ECF No. 202).
3. The Court advises that it will issue an order to show cause as to why Mr. Tripp shall not be held in contempt and sanctioned. The Court further advises that the Court will consider all sanctions available to be imposed under Rule 37(b)(2).

Therefore, an evidentiary show cause hearing utilizing Zoom video conferencing technology is set for **Monday, October 5, 2020 at 10:00 a.m.** Mr. Tripp shall have until **5:00 p.m.** on **September 1, 2020** to file any response to the Court's order to show cause. Plaintiff's shall have until **5:00 p.m.** on **September 15, 2020** to file a response, and Mr. Tripp shall have until no later than **5:00 p.m.** on **September 21, 2020** to file a reply. The Court anticipates the parties

will attach any exhibits in support of their positions to their filings; however, advises that any exhibits for the hearing shall be provided to the Court prior to the hearing and any witnesses shall also be prepared to appear at the hearing via Zoom video conferencing technology.

Counsel for defendant makes an oral request to have expedited briefing on the motion to withdraw as counsel; such motion is GRANTED. Plaintiff and Mr. Tripp shall have until no later than **Tuesday, August 18, 2020** to file a response to the motion to withdraw as counsel (ECF No. 202).

With respect to the issue of the client file, the Court holds this issue in abeyance at this time.

IT IS SO ORDERED.

1:20 p.m. Court adjourns.

DEBRA K. KEMPI, CLERK

By: /s/
Lisa Mann, Deputy Clerk